

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1279 be amended to read as follows:

- 1 Page 92, between lines 6 and 7, begin a new paragraph and insert:
2 "SECTION 65. [EFFECTIVE JULY 1, 2006] (a) **The definitions in**
3 **IC 8-1-2.6 apply to this SECTION.**
4 (b) **As used in this SECTION, "committee" refers to the**
5 **regulatory flexibility committee established by IC 8-1-2.6-4.**
6 (c) **For purposes of this SECTION, a rate charged by a**
7 **telecommunications provider is considered predatory if, for**
8 **purposes of reporting to taxing authorities, the rate charged for a**
9 **particular service is not set at or above the service's long run**
10 **incremental cost.**
11 (d) **For the period beginning July 1, 2006, and ending June 30,**
12 **2008, the committee shall conduct an analysis of the rates charged**
13 **by the telecommunications industry in Indiana for any service**
14 **provided at the wholesale or retail level.**
15 (e) **The committee shall make a record of each instance of**
16 **predatory pricing identified by the committee during the course of**
17 **the analysis required under this SECTION.**
18 (f) **The committee shall report the findings of the analysis**
19 **required under this SECTION to the legislative council before**
20 **November 1, 2008. The report must include the committee's**
21 **recommendation's, if any, for regulatory or legislative intervention.**

1 **(g) The report and recommendations issued under this**
2 **SECTION to the legislative council must be in an electronic format**
3 **under IC 5-14-6.**

4 **(h) This SECTION expires January 1, 2009."**

5 Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

Senator HERSHMAN